

**DRAFT**

**SUPPLEMENTAL ENVIRONMENTAL  
REVIEW**

**Spoklie**

**ALTERNATIVE LIVESTOCK OPERATION**

**Expansion**

**MAY 2000**

**Montana Fish, Wildlife & Parks**  
**Region 1**  
**490 North Meridian**  
**Kalispell, Montana 59901**

*Flathad*

## TABLE OF CONTENTS

	<u>Page</u>
<b>SUPPLEMENTAL ENVIRONMENTAL REVIEW .....</b>	<b>1</b>
INTRODUCTION.....	2
PUBLIC PARTICIPATION.....	2
PROPOSED ACTION AND ALTERNATIVES .....	2
STIPULATIONS, REQUIREMENTS, AND MITIGATION MEASURES.....	3
PRIOR ENVIRONMENTAL REVIEW .....	5
CONCLUSION.....	6
REFERENCES .....	6
<b>PART I. ALTERNATIVE LIVESTOCK OPERATION LICENSE APPLICATION INFORMATION .....</b>	<b>7</b>
<b>PART II. ENVIRONMENTAL REVIEW.....</b>	<b>13</b>
PHYSICAL ENVIRONMENT .....	14
Land.....	15
Air .....	16
Water.....	18
Vegetation .....	19
Fish and Wildlife.....	19
HUMAN ENVIRONMENT .....	22
Noise Effects .....	23
Land Use .....	24
Risk/Health Hazards.....	26
Community Impact.....	27
Public Services/Taxes.....	28
Aesthetics/Recreation.....	29
Cultural and Historical Resources .....	30
Summary.....	31
SUMMARY EVALUATION OF SIGNIFICANCE.....	31
<b>PART III. NARRATIVE EVALUATION AND COMMENT .....</b>	<b>33</b>
<b>PART IV. EA CONCLUSION.....</b>	<b>35</b>

## FIGURES

<b>FIGURE 1</b>	Spoklie Alternative Livestock Operation Site Map .....	9
<b>FIGURE 2</b>	Spoklie Alternative Livestock Operation Map Showing Land Use/Land Cover.....	10
<b>FIGURE 3</b>	Spoklie Alternative Livestock Operation Map Showing Big Game Distribution .....	11

## APPENDICES

<b>APPENDIX A</b>	PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST
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## **SUPPLEMENTAL ENVIRONMENTAL REVIEW**

### **Grant Spoklie Alternative Livestock Operation Expansion**

#### **INTRODUCTION**

The Montana Department of Fish, Wildlife and Parks (FWP) is required to ensure compliance with the Montana Environmental Policy Act (MEPA) for each proposal for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment (Administrative Rules of Montana [ARM] 12.2.430.)

FWP's authority to regulate alternative livestock operations is contained in sections 87-4-406 through 87-4-424, MCA and ARM 12.6.1501 through 12.6.1544. FWP addresses the modifications of existing licenses under ARM 12.6.1524 and conducts environmental reviews on all applications for alternative livestock operation licenses under ARM 12.6.1525.

ARM 12.6.1525 (4) states that "A supplemental review must include, but is not limited to the following:

- (a) an explanation of the need for the supplement;
- (b) the proposed action; and
- (c) any impacts, alternatives or other items required by ARM 12.2.432 for an EA, by ARM 12.2.436 for a draft EIS, or by ARM 12.2.438 for a final EIS that were either not covered in the original environmental review or that must be revised based on new information or circumstances concerning the proposed license modification."

This supplemental environmental review addresses the proposed expansion of the Grant Spoklie Alternative Livestock Facility located south of Kalispell, Montana. Prior Environmental Assessments and or reviews for license modifications on this facility have been conducted between 1995 and 1999, and are available from the Region 1 FWP office listed below.

#### **PUBLIC PARTICIPATION**

Public involvement in the environmental review process includes steps necessary to identify and address public and agency concerns. This draft review will be available for public review and comment from May 17, 2000 until 5:00pm June 7, 2000 at the Region 1 FWP office listed below. Please address all comments regarding this review to the same address.

Mr. Brian Sommers  
Fish, Wildlife and Parks  
490 N. Meridian Road  
Kalispell, MT 59901  
(406) 752-5501

#### **PROPOSED ACTION AND ALTERNATIVES**

##### **Proposed Action**

FWP received an application for expansion of an alternative livestock operation license from Mr. Grant Spoklie on February 8, 2000. The application was dated January 28, 2000. The Proposed Action identifies construction of facilities that would add approximately 50 acres to a 125-acre existing alternative livestock facility. This application was accepted by FWP on March 6, 2000, initiating a 120-day review process. The existing and proposed alternative livestock facility is located approximately 4.5 miles south of Kalispell, Montana.

It is located off White Basin Road, about ½ mile west of U.S. Highway 93 (Figure 1). The applicant lives adjacent to the facility year round.

The applicant stated he would like to eventually place a maximum of 150 elk within the total enclosure area of 175 acres for the purpose of breeding stock, meat production, antler production, trophy sales, and other uses. Commercial shooting of elk would not occur. A site visit was conducted by FWP on April 6, 2000, at which time the applicant stated he would like to make a number of clarifications to the application regarding elk management on the expanded facility. The proposed expansion would share a common fenceline with the existing facility, and as such, gates would be installed in the existing facility to allow for animal movement between pastures in the new and old sections of the ranch. The expanded area would likely be separated into four separate pastures to facilitate seasonal requirements relating to herd management (e.g., hay production, saturated wetland avoidance, disease avoidance, and avoidance of waterfowl breeding periods).

Fence construction would be completed in accordance with requirements of FWP under ARM 12.6.1533. The exterior fence for the enclosures would consist of 8-foot high, Tightlock steel fencing. Because the entire expansion area is flat, the need for higher fence heights is not anticipated. There would likely be four exterior gates for the expansion area. A DoL approved handling facility (#126) already exists approximately 100 yards from the residence within the existing facility. Water for the elk would be provided via the existing stream. Supplemental feeding would occur, with oats/grain being provided daily on a year-round basis.

### **Alternatives**

One alternative (the No Action Alternative) is evaluated in this environmental review. Under this alternative, FWP would not modify Mr. Spoklie's existing license for expansion of the facility. Therefore, no domestic elk would be placed on the proposed expansion area. Implementing the No Action Alternative would not preclude other activities allowed under local, state, and federal laws from taking place in the proposed expansion area.

### **STIPULATIONS, REQUIREMENTS, AND MITIGATION MEASURES**

The stipulations, requirements, and mitigation measures described in this section address potential impacts identified for the proposed expansion of the Grant Spoklie Alternative Livestock Operation. FWP would require actions to ensure that the fence enclosure is maintained in game-proof condition. Other potential impacts from the Proposed Action are addressed as mitigation measures that are recommended by FWP to remain in compliance with state and federal environmental laws, but are not required.

### **Requirements**

The following requirements, which have been agreed to by Mr. Spoklie, are imposed by FWP for the Grant Spoklie Expansion and are designed to ensure that the fence enclosure is maintained in game-proof condition:

- (1) Licensee shall inspect the perimeter fence on a regular basis and immediately after or during events that have a greater probability of damaging the fence (e.g., high streamflow/flooding periods; spring ice break-up) to insure fence integrity with respect to stream debris, erosional stream flows, ice jams, burrowing animals, predators, and other game animals. If it appears that fence integrity may be compromised because of high streamflow, flooding, and/or ice conditions in the Patrick Creek drainage, the licensee shall immediately remove all elk from the stream bottomland pasture(s). If repairs are required of the perimeter fence at one or both of the stream crossing sites, no elk shall be placed back into these pastures until a FWP representative inspects the fence for game-proof condition. Should ingress or egress become a problem during winter due to areas of snow accumulation, areas prone to snow drifting shall be identified and the fence height raised sufficiently to prevent ingress/egress. Additional remedial actions may be required by FWP if the measures discussed above do not adequately prevent ingress/egress, including possible installation of an interior fence to separate Patrick Creek from the remainder of the elk ranch.

- (2) The licensee shall submit a written fence monitoring plan to FWP for approval prior to issuance of the license. The fence monitoring plan shall include information on how elk would be removed from the bottom areas within 24 hours if necessary; how stream crossing sites would be monitored during the period that high flows typically can occur (March - July); and how the fence would be maintained in a game-proof condition at stream crossing sites.

These two requirements are imposed to mitigate a potential risk to fence integrity and the resulting potential for ingress/egress of domestic elk and wildlife. Without these requirements, risk to wildlife from contact with domestic elk would have the potential to be significant, due to the site being located in an area currently used by wild game, the existence of two fenced crossings of Patrick Creek. Regular fence monitoring and a written fence monitoring plan is required so that FWP has a level of confidence that fence integrity problems can be detected promptly.

### **Recommended Mitigation Measures**

The following recommended mitigation measures address impacts identified in the Spoklie Expansion Environmental Assessment Checklist (attached) for resources that have the most potential effects from the Proposed Action:

#### **Land Resources**

- Maintain a reasonable stocking rate within the enclosure to minimize changes in soil structure and potential increases in compaction and subsequent erosion from disturbed ground.

#### **Air Resources**

- Employ the following Best Management Practices (BMPs) to reduce odor problems if they occur: (1) incorporate waste into soil quickly by plowing or disking; (2) spread waste during cool weather or in the morning during warm, dry weather; and (3) properly dispose of animal carcasses.

#### **Water Resources**

- Maintain a reasonable stocking rate in the area to mitigate potential impacts from runoff and fecal matter. Potential water quality impacts also could be minimized by disposing of dead animals and excess fecal material at a site that is isolated from surface water and groundwater (disposal must meet county regulations for solid waste if applicable).
- For any areas that may have erosion and sedimentation problems, use BMPs where surface water could enter Patrick Creek drainage. The BMPs may include earth berms, straw bale dikes, vegetative buffer zones, and/or silt fences to be used on a seasonal basis.
- Clear debris promptly that may collect at the fenced stream crossings to reduce the potential for flooding and fence damage.

#### **Vegetation Resources**

- Monitor ranch site for invasion of noxious weeds and treat affected areas in a timely manner. Should noxious weeds continue to be detected, a weed control program should be implemented, if not already in place, to control weeds.
- Provide supplemental feed and minerals to the elk on a year-round basis to reduce excessive grazing

on preferred pasture plants.

- Create interior pastures such that rotational grazing strategies can be implemented to reduce adverse impacts to vegetation on wetland, bottomland, and forested pastures.

#### **Wildlife Resources**

- Store hay, feed, and salt away from exterior fences or enclose in bear-resistant containers or buildings.
- Feed elk ranch animals at interior portions of the enclosure and not along the perimeter fence.
- Remove dead animals, excess fecal material, and waste feed from the ranch and deposit at an approved site not likely to be used by humans, and domestic and wild animals.
- Adjust fence requirements in consultation with FWP personnel to include double fencing, internal fencing, electrification, or increased height if fence integrity or ingress/egress becomes a problem.

#### **Noise**

- Reduce the number of bull elk during the rut if excess noise from bugling results in complaints.

#### **Risk/Health Hazards**

- Mitigation measures recommended above for Vegetation and Wildlife Resources are applicable to this section. In addition, risk of disease, epidemic, or heavy parasite infections among domestic elk can be minimized by maintaining a reasonable domestic elk stocking rate in relation to the enclosure size, periodic removal of manure from concentration areas, and development of a disease immunization and parasite treatment protocol as applicable to domestic elk.

#### **Cultural & Historical Resources**

- If archeological artifacts are observed during construction of the enclosure fence or from other activities, work should stop in the area and the discovery reported to the Montana Historical Society in Helena. If work stoppage in the area containing observed artifacts is not possible, record the location and position of each object, take photographs and preserve the artifact(s).

#### **PRIOR ENVIRONMENTAL REVIEW**

On April 3, 1998, a Decision Document was prepared by FWP to approve an expansion of the Spoklie Alternative Livestock Operation from 82 to just over 91 acres (FWP 1998). The operation at that time was licensed for up to 60 elk. The April 3, 1998 Decision Document referenced a prior Environmental Assessment conducted in 1997 (FWP 1997), as having already addressed the environmental issues and impacts raised for the proposed 1998 expansion. The analysis presented in the attached Environmental Assessment checklist includes, in addition to those prior issues and impacts, additional discussion of potential impacts to wetland and riparian areas that would be included in this proposed expansion. These impacts are disclosed under the Land, Water, and Vegetation resources section of the attached checklist. Requirements and mitigations to minimize or eliminate these potential impacts are also found in these sections of the checklist, as well as summarized above.

#### **CONCLUSION**

MEPA and alternative livestock licensing statutes require FWP to conduct an environmental analysis for alternative livestock operations licensing as previously described. FWP prepares these analyses to determine whether a project would have significant effects on the environment. If FWP determines that a project would

have a significant impact that could not be mitigated to less than significant, a more detailed Environmental Impact Statement (EIS) would be prepared before a decision would be made.

Based on the criteria evaluated in this review, and the conclusions from prior environmental review of construction and expansion of the Grant Spoklie Alternative Livestock Operation, an EIS would not be required for the proposed Spoklie Expansion. The appropriate level of analysis for the proposal is this environmental review and accompanying Environmental Assessment Checklist. All impacts of the Proposed Action have been accurately identified in this and prior analyses, and no significant impacts have been identified. The additional issue of elk use of the wetland and riparian portions of the proposed expansion area has been addressed through the applicant's agreement to implement rotational grazing strategies, including seasonal avoidance, on wetland and riparian portions of the facility. Further assurance that no significant impacts would occur with implementing the Proposed Action are due to the agreed upon Requirements and Mitigation Measures as discussed above.

#### REFERENCES

Fish, Wildlife and Parks 1997. Environmental Assessment. Grant Spoklie Game Farm Expansion. Region 1, Kalispell, MT.

Fish, Wildlife and Parks 1998. Decision Document, Spoklie Game Farm Expansion #2. April 13, 1998. Region 1, Kalispell, MT.

## PART I. ALTERNATIVE LIVESTOCK OPERATION LICENSE APPLICATION

### ENVIRONMENTAL ASSESSMENT CHECKLIST

Montana Department of Fish, Wildlife and Parks' authority to regulate alternative livestock operations is contained in sections 87-4-406 through 87-4-424, MCA and ARM 12.6.1501 through 12.6.1519.

1. Name of Project: Spoklie Expansion
2. Name, Address and Phone Number of Project Sponsor (if other than the agency):  
Grant Spoklie  
658 White Basin Road  
Kalispell, MT 59901 PH 756-1462
3. If Applicable:  
Estimated Construction/Commencement Date: February, 2000  
Estimated Completion Date: May, 2000  
Current Status of Project Design (% complete): The applicant has completed a conceptual design of the proposed expansion. No construction activities have commenced as of April 5, 2000.

4. Location Affected by Proposed Action (county, range and township): Flathead County, Portions of Section 9, T 27 N, R 21W (Approximately 50 acres).

5. Project Size: Estimate the number of acres that would be directly affected that are currently:

Acre		Acres	
(a) Developed:		(d) Floodplain .....	<u>all</u>
Residential.....	<u>0</u>		
industrial.....	<u>0</u>	(e) Productive:	
		irrigated cropland .....	
(b) Open Space/Woodlands/Recreation .....		dry cropland .....	<u>25</u>
		forestry .....	
<input type="checkbox"/> Wetlands/Riparian Areas.....	<u>25</u>	rangeland.....	
		other .....	

6. Map/Site Plan:.

The following maps are included in this checklist beginning on page 9:

- Figure 1: Site Map  
Figure 2: Land Use / Land Cover  
Figure 3: Big Game Distribution



**7. Narrative Summary of the Proposed Action or Project Including the Benefits and Purpose of the Proposed Action:**

The Montana Fish, Wildlife & Parks (FWP) received an application for expansion of an alternative livestock operation license from Mr. Grant Spoklie on February 8, 2000. The application was dated January 28, 2000. The Proposed Action was to construct facilities to add approximately 50 acres to a 125-acre existing alternative livestock facility (Figure 1). This application was accepted by FWP on March 6, 2000, initiating a 120-day review process. The proposed expanded alternative livestock facility would be located approximately 4.5 miles south of Kalispell, Montana. It is located off White Basin Road, about ½ mile west of U.S. Highway 93. The applicant would live adjacent to the expanded facility year round.

The applicant stated he would like to eventually place a maximum of 150 elk within the total enclosure area of 175 acres for the purpose of breeding stock, meat production, antler production, trophy sales, and other uses. The stocking rate under the proposed expansion would be approximately 0.86 elk per acre. The commercial shooting of elk would not occur. A site visit was conducted by FWP on April 6, 2000 at which time the applicant stated he would like to make a number of clarifications to the application regarding elk management on the expanded facility. The proposed expansion would share a common fenceline with the existing facility, and as such, gates would be installed in the existing facility to allow for animal movement between pastures in the new and old sections of the ranch. The expanded area would likely be separated into four separate pastures to facilitate seasonal requirements relating to herd management (e.g., hay production, saturated wetland avoidance, disease avoidance, waterfowl breeding periods, etc.).

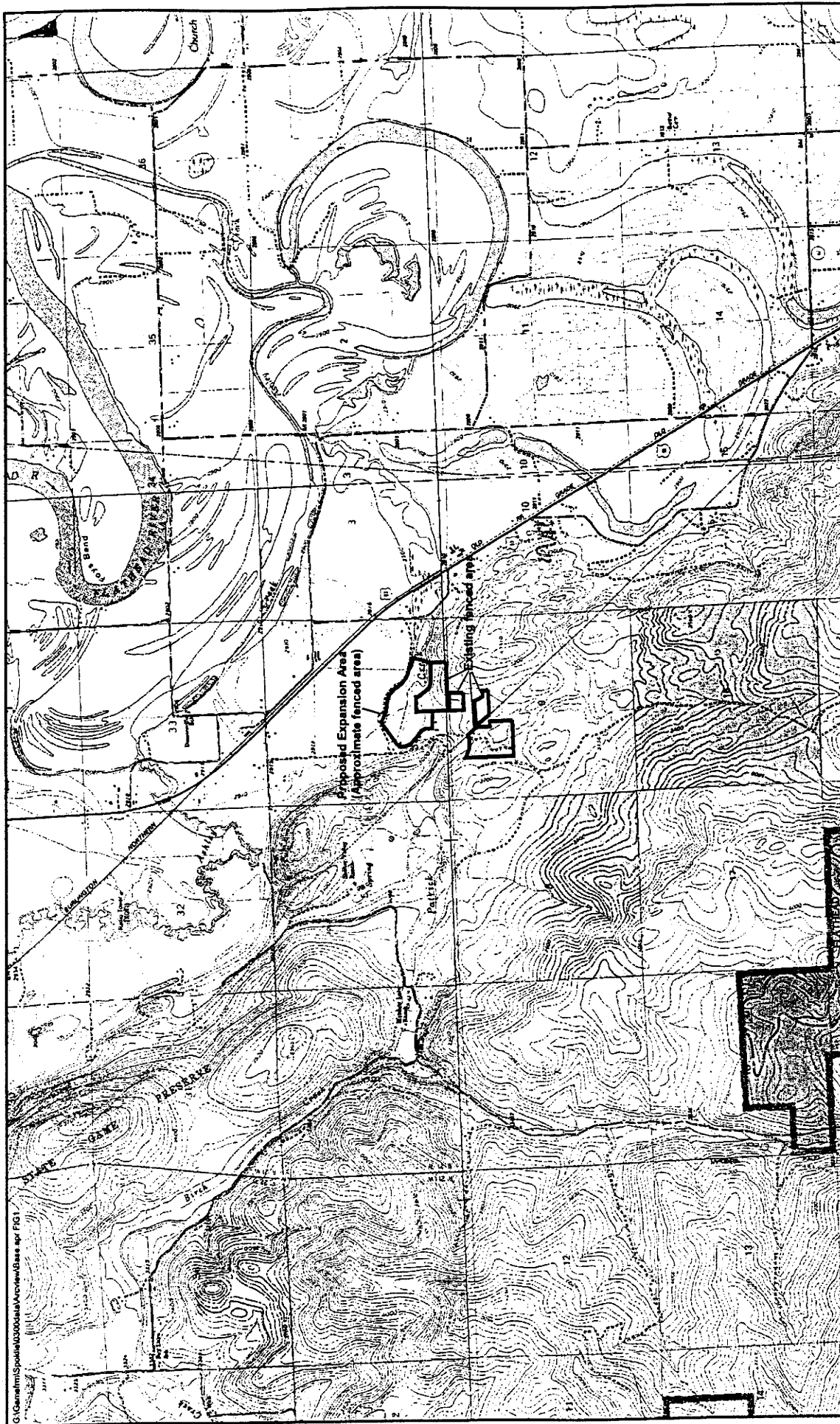
Fence construction would be completed in accordance with requirements of FWP under ARM 12.6.1533. The exterior fence for the enclosures would consist of 8-foot high, Tightlock steel fencing. Because the entire area is flat, the need for higher fence heights is not anticipated. There would likely be four exterior gates for the expansion area. A handling facility would be constructed according to Montana Department of Livestock (DoL) standards approximately 100 yards from the residence. Water for the elk would be provided via the existing stream. Supplemental feeding would occur, with oats/grain being provided daily throughout the year.

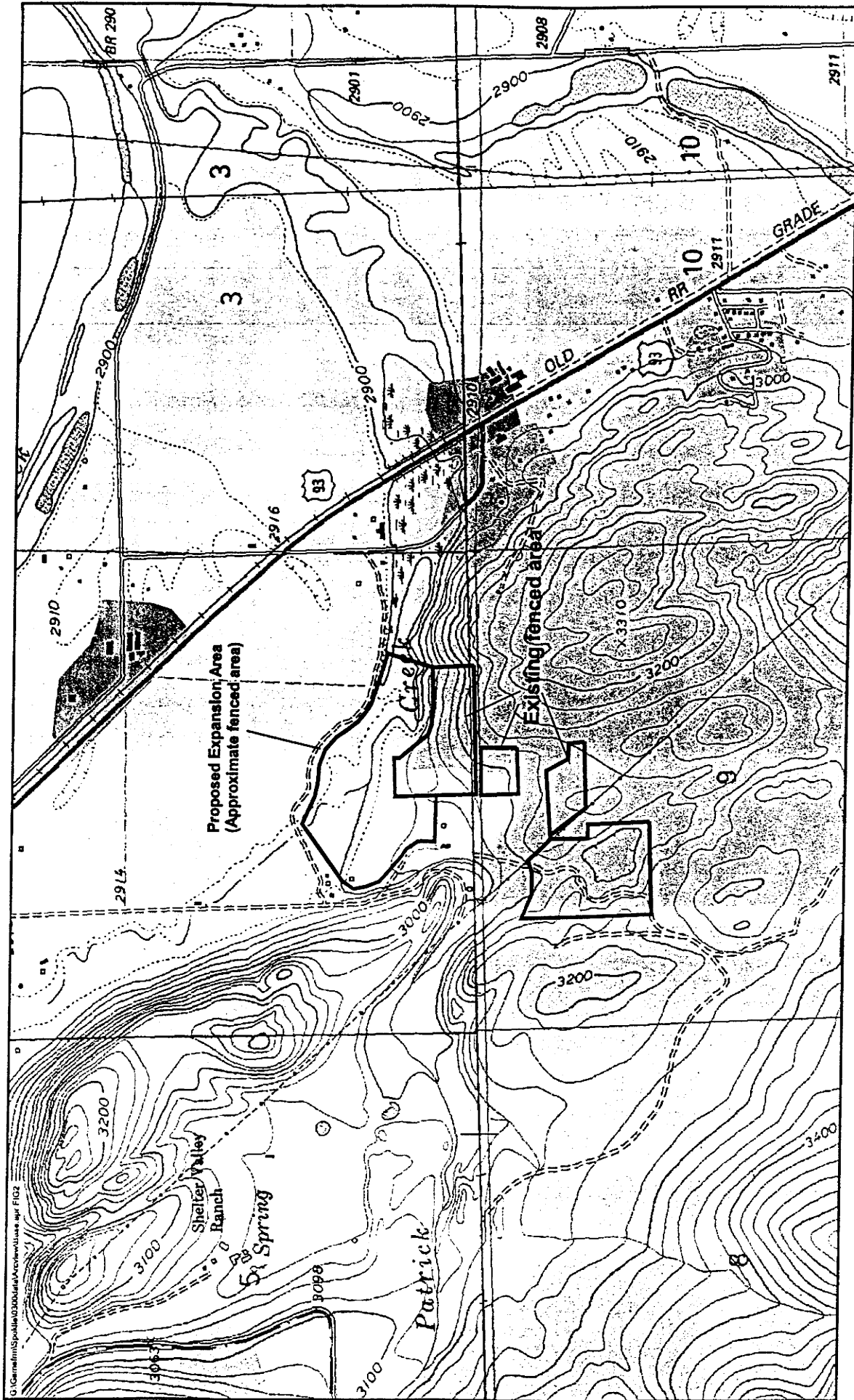
Habitat in the proposed project area is primarily pastureland, with included wetlands on flat areas. Tree species adjacent to the expansion area are primarily Douglas fir, with Ponderosa pine and western larch interspersed. Hay production and grazing have been the primary uses of the area. Average maximum tree height throughout the adjacent area is 50-70 feet. Some thinning of trees has recently occurred and will likely continue in the area.

Vegetation within the proposed project area is currently comprised primarily of various non-native grasses including smooth brome (*Bromus inermis*) and reed canary grass (*Phalaris arundinacea*), cattails (*Typha latifolia*), and wetland sedges (*Carex spp.*). No shrubs are present, though small clumps of willow (*Salix spp.*) occur within the watershed downstream of the proposed enclosure and around the small pond in the northern end of the proposed enclosure. Some horse and cattle grazing within the project area currently occurs and likely would continue to occur in the future.

Residences in the area are scattered. Only 2-3 residences currently occur within 300 yards of the proposed project area. The extent of future subdividing is unknown.

White-tailed deer and scattered groups of elk currently use timbered uplands adjacent to the area on a seasonal basis. Use by deer increases during the winter months, particularly during harsh winters. Mule deer may also use the area for winter range during severe winters. Black bears and mountain lions may also visit the area on a sporadic basis.





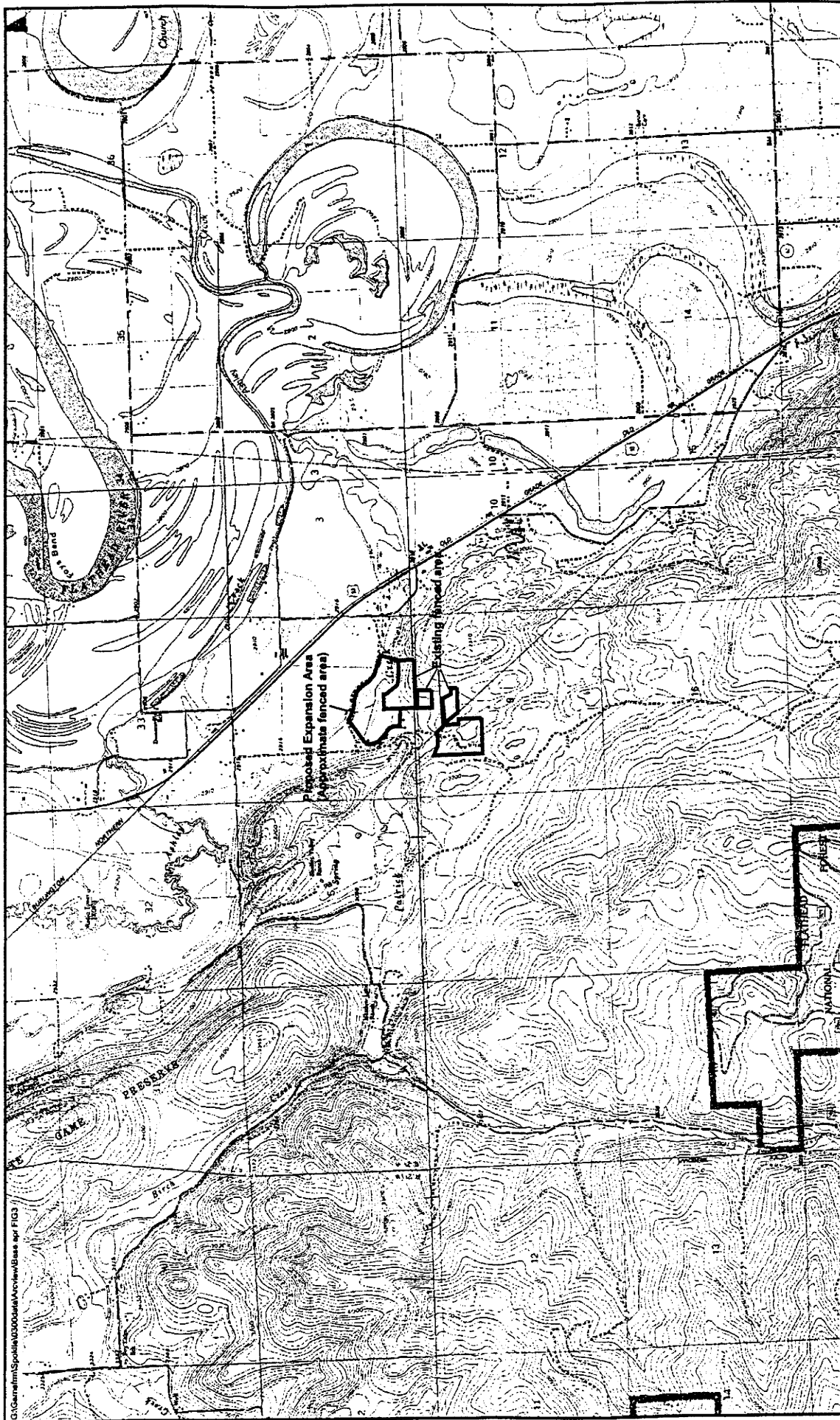
**MAXIM**

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Note: Land Use Information Derived From  
 Montana Public Lands  
 U.S. Bureau of Land Management  
 1:250,000 Scale Maps.  
 Topographic Base Derived From  
 U.S.G.S. 1:24,000 Scale Maps

- Grass Rangeland
- Evergreen Forest
- Wetland
- Residential
- Commercial/Services
- Crop/Pasture

Land Use/Land Cover  
 Alternative Livestock Operation  
 Proposed Expansion EA  
 Spokane Property  
 Flathead County, Montana  
 Figure 2



8. Listing of any Other Local, State, or Federal Agency That has Overlapping or Additional Jurisdiction:

(a) Permits:

<u>Agency Name</u>	<u>Permit</u>	<u>Date Filed/#</u>
Dept. of Livestock	Approval of quarantine & handling facility	#126

(b) Funding:

<u>Agency Name</u>	<u>Funding Amount</u>
None	

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

<u>Agency Name</u>	<u>Type of Responsibility</u>
Montana Dept. of Livestock	disease control
Montana Dept. of Environmental Quality (DEQ)	water and air quality, waste management
Montana State Historical Preservation Office (SHPO)	cultural resources
Montana Dept. of Natural Resources And Conservation (DNRC)	water rights
Natural Resource Conservation Service (NRCS)	soil conservation
Flathead County Weed Control District	weed control
Flathead County Tax Department	

9. List of Agencies Consulted During Preparation of the EA:

Department of Livestock

Flathead County Tax Department

## **PART II. ENVIRONMENTAL REVIEW**

This section of the document presents results of an environmental review of the proposed Spoklie Alternative Livestock Operation Expansion (Proposed Action). The review evaluated direct and indirect impacts and cumulative effects of the Proposed Action on the following resources of the physical environment: land, air, water, vegetation, fish and wildlife; and the following concerns of the human environment: noise, land use, human health risk, community impacts, public services and taxes, aesthetics and recreation, and cultural and historical resources. Impacts were determined to fall in one of four categories: unknown, none, minor and significant. For the purposes of this review, and in accordance with ARM 12.6.1525, these terms are defined as follows:

### **DEFINITIONS**

**Cumulative Effects:** Collective impacts on the physical and human environment of the Proposed Action when considered in conjunction with other past and present actions related to the Proposed Action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impacts statement evaluation, or permit processing procedures.

**Unknown Impacts:** Information is not available to facilitate a reasonable prediction of potential impacts.

**Significant Impacts:** A determination of significance of an impact in this analysis is based on individual and cumulative impacts from the Proposed Action. If the Proposed Action results in significant impacts that can not be effectively mitigated, FWP must prepare an EIS. The following criteria are considered in determining the significance of each impact on the quality of the human environment:

- severity, duration, geographic extent and frequency of occurrence of the impact;
- probability that the impact would occur if the Proposed Action occurs;
- growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative effects;
- quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources or values;
- importance to the state and to society of each environmental resource or value that would be affected;
- any precedent that would be set as a result of an impact of the Proposed Action that would commit FWP to future actions with significant impacts or a decision in principle about such future actions; and
- potential conflict with local, state, or federal laws, requirements, or formal plans.

**Reasonable Stocking Rate:** The density of animals appropriate to maintain vegetative cover in pastures to minimize soil erosion from major precipitation events and snowmelt; and minimize soil compaction that would reduce its ability to support vegetative ground cover. Factors to consider in determining an overall reasonable stocking rate include vegetation type and density, ground slope, soil type, soil moisture, and precipitation.

## A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?			X		Yes	1(b)
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X		yes	1(d)
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

**AFFECTED ENVIRONMENT:** The proposed Spoklie Expansion alternative livestock facility would add approximately 50 acres to a 125-acre existing alternative livestock facility, resulting in a 175 acre operation. Slopes in the expansion area are flat and are primarily pastureland, with inclusions of wetland vegetation and a slow moving man-modified creek channel. Soil in the area appears to be sub-irrigated. There is one 1/10-acre man-made pond and 1300 feet of creek channel, approximately 2 feet deep, within the project area. Residences in the area are scattered.

Soil in the area was mapped by the Soil Conservation Service in the Soil Survey of the Upper Flathead Valley Area (SCS, 1960). Soil mapped in the expansion area includes Kalispell loam, Kalispell silt loam and muck and peat. The Kalispell series consists of deep, medium-textured soil developed on glacial lake and stream terraces. This soil is dark grayish-brown in the surface horizon and overlying silt loam and sandy loam subsoil. Muck and peat soil is saturated or moist most of the year except where the soil has been drained by prior deepening and widening of the stream channel.

**PROPOSED ACTION:** 1(b, d) Approval of the alternative livestock permit application is expected to have only minor impacts to land and soil resources. The primary impact would be associated with limited sediment transport potential where soil becomes exposed due to trampling or over grazing. This situation could occur if the stocking rate causes bare ground to be exposed for an extended period of time, or if elk use of the wetland portions occurs during periods of saturated conditions in the spring and early summer. Saturated soils are generally susceptible to compaction under heavy use, especially muck and peat, which have low soil strength. Seasonal use to avoid grazing under saturated soil conditions would minimize the potential for sediment transport, trampling, and over-grazing.

**NO ACTION:** Under the "No Action" alternative, the current condition of the property would not change dramatically. Hay production and light grazing by horses and cattle would continue to occur.

**CUMULATIVE EFFECTS:** As the site is currently used primarily for agricultural production, the cumulative effect of using the proposed area for rearing of captive elk is expected to be slight. The proposed facility does not contain any unique or significant soil or land resources that would be lost due to the proposed land use.

**REQUIRED STIPULATIONS:** None.

**RECOMMENDED MITIGATION MEASURES:** It is recommended that a reasonable stocking rate (including number of elk and season and intensity of use) be maintained within the enclosures to minimize changes in soil structure and potential increases in runoff and erosion from disturbed ground. Areas with exposed soil should be revegetated promptly. Rest rotation grazing practices should be used, whereby elk would not be on wetland portions of the property during early spring when waterfowl breeding takes place, and when saturated soil conditions exist. Late fall (breeding season) use should not occur on the expansion area in order to minimize the potential for contact between native game animals and the domestic elk along the northern and northwestern fence lines. Late summer use of the expansion area should be stressed in order to rest portions of the adjacent upland pastures and reduce the potential for bare ground developing on those pastures.

2. <u>AIR</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				

**AFFECTED ENVIRONMENT:** Land surrounding the proposed Spoklie Expansion alternative livestock facility is industrial, agricultural and forested. The area is sparsely populated with no apparent air quality problems.

**PROPOSED ACTION:** Residences in the area are sufficiently scattered so that any odors associated with the facility are not expected to be a problem, especially if a reasonable stocking rate is maintained.

**NO ACTION:** The odors associated with the current level of livestock grazing would remain the same.

**CUMULATIVE EFFECTS:** As the site is already used for alternative livestock production, the cumulative effect of the expanded elk operation is expected to be minimal.

**COMMENTS:** Odors are not expected to be of significant concern at the proposed site due to the sparse human population in this area. No stipulations or mitigation measures are needed.



## PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

### DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES

NO

  X  

1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?

  X  

2. Does the action result in either a permanent or indefinite physical occupation of private property?

  X  

3. Does the action deprive the owner of all economically viable uses of the property?

  X  

4. Does the action deny a fundamental attribute of ownership?

  X  

5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is NO, skip questions 5a and 5b and continue with question 6.]

5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?

5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?

  X  

6. Does the action have a severe impact on the value of the property?

  X  

7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is NO, do not answer questions 7a-7c.]

7a. Is the impact of government action direct, peculiar, and significant?

7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?

7c. Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with § 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.

## APPENDIX A

### PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following requirements:

- (1) Licensee shall inspect the perimeter fence on a regular basis and immediately after or during events that have a greater probability of damaging the fence (e.g., high streamflow/flooding periods; spring ice break-up) to insure fence integrity with respect to stream debris, erosional stream flows, ice jams, burrowing animals, predators, and other game animals. If it appears that fence integrity may be compromised because of high streamflow, flooding, and/or ice conditions in the Patrick Creek drainage, the licensee shall immediately remove all elk from the stream bottomland pasture(s). If repairs are required of the perimeter fence at one or both of the stream crossing sites, no elk shall be placed back into these pastures until the fence is inspected for game-proof condition by a FWP representative. Should ingress or egress become a problem during winter due to areas of snow accumulation, areas prone to snow drifting shall be identified and the fence height raised sufficiently to prevent ingress/egress. Additional remedial actions may be required by FWP if the measures discussed above do not adequately prevent ingress/egress, including possible installation of interior fences to separate Patrick Creek from the remainder of the elk ranch.
- (2) The licensee shall submit a written fence monitoring plan to FWP for approval prior to issuance of the license. The fence monitoring plan shall include information on how elk would be removed from the bottom areas within 24 hours if necessary; how the stream crossing sites would be monitored during the period that high flows typically can occur (March - July); and how the fence would be maintained in a game-proof condition at the stream crossing sites.

## **PART IV. EA CONCLUSION**

1. Based on the significance criteria evaluated in this EA, is an EIS required? YES / NO

No. The appropriate level of analysis for the Proposed Action is a mitigated EA because:

- all impacts of the Proposed Action have been accurately identified in the EA; and
- no identified significant impacts would occur.

2. Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the Proposed Action, is the level of public involvement appropriate under the circumstances?

Upon completion of the Draft EA, a notice is sent to adjoining landowners, local newspapers, and other potentially affected interests, explaining the project and asking for input during a 21-day comment period which extends from May 17, 2000 until 5 PM June 7, 2000. The Draft EA is also available to the public from the FWP addresses and phone numbers listed below and in the *Summary* section of this EA (p. 2), and through the State Bulletin Board System during the public comment period.

3. Duration of comment period if any: 21 days

4. Name, title, address, and phone number of the Person(s) Responsible for Preparing the EA:

**Fish, Wildlife & Parks**

Brian Sommers, FWP Game Warden  
Gael Bissel, FWP Wildlife Biologist  
Fish, Wildlife & Parks, Region 1  
490 N. Meridian Road  
Kalispell, Montana 59901  
Phone (406) 752-5501

Tim Feldner  
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**Department of Livestock**

Evaleen Starkel, Alternative Livestock Program Specialist  
Dr. Tom Linfield, Asst. State Veterinarian  
Dr. Ken Lee, Veterinarian at Large  
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Third Floor, Scott Hart Building  
301 Roberts  
Helena, MT 59620  
Phone (406) 444-2043

**Maxim Technologies, Inc.**

Daphne Digrindakis, Project Manager  
Doug Rogness, Water Resources  
Mike Cormier, Soil Resources  
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303 Irene  
Helena, Montana 59601  
Phone (406) 443-5210

**Proportion (%) of the total habitat area currently used by wildlife that would be enclosed or otherwise impacted.**

The proposed expansion enclosure would cumulatively exclude approximately 50 acres of moderate to good quality white-tailed deer and elk habitat. Mule deer may also use the site during seasons other than normal winter. The reach of Patrick Creek from which the game animals would be excluded represents less than 1 percent of overall riparian and associated upland winter range habitat in this area.

**References:**

Bissel, Gael, 2000. FWP wildlife biologist, personal communication with Pat Mullen, April 2000.

### **PART III. NARRATIVE EVALUATION AND COMMENT**

**Wildlife use of the area and potential for through-the-fence contact with elk ranch animals (consider year-around use, traditional seasonal habitat use, and location of travel routes and migration corridors).**

This proposed expansion would result in a facility that is similar in size and scope to most other alternative livestock ranches in northwest Montana. The proposed expansion is located in moderate density white-tailed deer habitat. Occasionally elk would be expected to pass through this area as well. The Patrick Creek drainage is a natural travel corridor for small populations of white-tailed deer that move between the valley floor and the foothills. Wild elk would be expected to be attracted to the facility by domestic elk, and wild deer would certainly walk the perimeter trying to get around the facility. Also, like other alternative livestock ranches, there is a public and agency concern regarding the potential for disease transmission to wild populations.

Risk of disease transmission can be reduced by maintaining the integrity of the enclosure fence, by maintaining a healthy domestic elk population, and by following requirements and mitigations presented in this EA. If the elk ranch is managed properly, the risk of disease transmission from domestic elk to wild ungulates would likely be minimal. The frequency of fence line contact between domestic elk and wildlife and the risk that this contact might result in disease transmission is mitigated by disease testing requirements. In order for disease transmission to occur, the organism causing the disease needs to be present. Any alternative livestock introduced to this proposed facility will be tested free of tuberculosis and brucellosis prior to movement to the facility. There is no credible reason to conclude that the proposed alternative livestock ranch represents any greater risk than other licensed operations that exist in Montana.

**Potential for escape of elk ranch animals or ingress of wildlife (consider site-specific factors that could reduce the effectiveness of perimeter fences built to standards outlined in Rule 12.6.1533, including steepness of terrain, winter snow depths/drifts, susceptibility of fences to flood damage, etc.).**

Fence integrity: Fence construction would be completed in accordance with requirements of FWP under ARM 12.6.1531. The proposed alternative livestock operation is located in on either side of Patrick Creek, a tributary of Ashley Creek. The area is comprised of level bottomlands.

The two external fence crossing sites, as well as the remaining perimeter fence, need to be approved as game-proof by FWP prior to issuance of the expansion license. Peak flow rates during the spring could result in high flow and/or flooding conditions that may affect the integrity of the fence. Debris (e.g., wood and ice) also may build-up on the upstream side of the fence crossing, creating a dam and increased water pressure on the fence.

The enclosure site is located at an elevation of about 3,000 feet. The expected snow levels during winter will vary greatly in relation to the amount of snowfall, wind velocity, and wind direction associated with winter storms passing through this area. This area has the potential to receive considerable snowfall in single storm events and cumulatively during the winter; however, during normal winters an estimated 12-24 inches of snow is expected. Snow drifting might occur under extreme situations.

Overall, the site potential for fencing this pasture is excellent due to the flat nature of the terrain.

repairs are required of the perimeter fence at any of the stream crossing sites, no elk shall be placed back into these pastures until the fence is inspected and approved as game-proof by a FWP representative. Should ingress or egress become a problem during winter due to areas of snow accumulation, areas prone to snow drifting shall be identified and the fence height raised sufficiently to prevent ingress/egress. Additional remedial actions may be required by FWP if the measures discussed above do not adequately prevent ingress/egress.

- (2) The licensee shall submit a written fence monitoring plan to FWP for approval prior to issuance of the license. The fence monitoring plan shall include information on how elk would be removed from the bottom areas within 24 hours if necessary; how the stream crossing sites would be monitored during the period that high flows typically can occur (March - July); and how the fence would be maintained in a game-proof condition at the stream crossing sites.

#### **Restriction on Private Property Use**

These requirements do not restrict the use of private property by requiring the following: regular monitoring of fence integrity; more frequent monitoring of perimeter fence during periods of high streamflow, flooding, and or ice build-up; raising the fence where snow drifts may cause ingress/egress; moving elk out of stream bottom pasture if high stream flow conditions may affect fence integrity; and submit a written fence monitoring plan to FWP for approval.

#### **Alternatives**

*Do not perform the monitoring and safety measures described above regarding fence integrity.*

This alternative would not adequately address the potential problems that may compromise fence integrity resulting in ingress/egress at the facility.

#### **Benefits from Imposing the Requirements**

These requirements are imposed to minimize potential ingress/egress at the proposed alternative livestock facility. In addition to existing FWP fencing and wildlife protection requirements, these requirements would effectively reduce the risk of contact with wildlife and domestic elk.

#### **Types of Expenditures the Requirement Would Mandate**

Performing the measures described above as needed to maintain fence integrity would not cause a substantial increase in fence construction and facility operation costs.

#### **Requirement's Effect on Property Values**

None expected.

COMMENTS: None

CUMULATIVE EFFECTS: None

REQUIRED STIPULATIONS (Requirements): See Section 5 (Fish/Wildlife).

RECOMMENDED MITIGATION MEASURES: See Section 5 (Fish/Wildlife).

## **SUMMARY EVALUATION OF SIGNIFICANCE CRITERIA**

- a. Does the Proposed Action have impacts that are individually minor, but cumulatively considerable? (A project may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)

No.

- b. Does the Proposed Action involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?

Yes. A potential risk or adverse effect which is uncertain, but extremely hazardous if they were to occur would be the spread of a disease or parasite from domestic elk or deer to wild elk or deer, or vice versa. The risk and appropriate measures to mitigate the risk are discussed in Section 5 (*Fish/Wildlife*) and Section 8 (*Risk/Health Hazards*) of this EA.

- c. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

The No Action Alternative would avoid many of the potential impacts listed above. This site would likely be managed for continued livestock grazing and other agricultural uses. The No Action Alternative would probably not result in exclusion of wildlife from this site.

- d. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

This section provides an analysis of impacts to private property by proposed restrictions or stipulations in this EA as required under 75-1-201, MCA, and the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The analysis provided in this EA is conducted in accordance with implementation guidance issued by the Montana Legislative Services Division (Environmental Quality Council, 1996). A completed checklist designed to assist state agencies in identifying and evaluating proposed agency actions, such as imposed stipulations, that may result in the taking or damaging of private property, is included in Appendix A. Mitigation measures described in this section address both minor and significant impacts. Requirements are designed to ensure that the fence enclosure is maintained in game-proof condition. These requirements have been agreed to by the applicant. Most potential minor impacts from the Proposed Action are addressed as mitigation measures that are recommended, but not required.

## **REQUIREMENTS #1 and #2**

- (1) Licensee shall inspect the perimeter fence on a regular basis and immediately after or during events that have a greater probability of damaging the fence (e.g., high streamflow/flooding periods; spring ice break-up) to insure fence integrity with respect to stream debris, erosional stream flows, ice jams, burrowing animals, predators, and other game animals. If it appears that fence integrity may be compromised because of high streamflow, flooding, and/or ice conditions in the Patrick Creek drainage, the licensee shall immediately remove all elk from the stream bottomland pasture(s). If

## C. SUMMARY

13. SUMMARY Would Proposed Action, considered as a whole:	Impact				Can Impact be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total)		X				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?			X		Yes	13(b)
c. Potentially conflict with the substantive requirements or any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts would be proposed?	X					13(d)
e. Generate substantial debate or controversy about the nature of the impacts that would be created?			X		Yes	13(e,d)

### PROPOSED ACTION:

13(b) Refer to discussion in Section 8 (Risk/Health Hazards).

13(d) Precedent for the permitting of alternative livestock ranches with the knowledge that there are some uncertainties about the potential risk of disease transmission between captive and wild animals already is established. The alternative livestock industry is established in Montana and the legislature recognizes that the production of alternative livestock provides a viable economic opportunity for any private property owner as well as the traditional livestock producers who are interested in diversifying their ranch productivity (MCA 87-4-431). The statutes and regulations that govern the industry presume that it is appropriate to allow expansions of existing alternative livestock operations, with reasonable restrictions to protect Montana's interests in its resident wildlife.

13(e) Montana FWP and DoL acknowledge that the permitting of alternative livestock ranches generates public controversy. Some issues are particularly controversial when alternative livestock facilities block migration routes or consume significant areas of land historically used by wild game. Because the proposed expansion would not significantly block big game migration routes or consume a significant portion of land utilized by wild game, the controversial nature of the Proposed Action is minor.

Montana FWP and DoL also acknowledge that there are uncertainties regarding diseases of wildlife and alternative livestock, the identification of infected animals and the transmissibility of disease. The agencies agree that an outbreak of livestock disease in one or more wildlife populations would be a significant, negative effect. However, with careful attention to current regulations and implementation of the mitigation measures specified in this environmental assessment would make the transmission of disease from animals on the Spoklie Alternative Livestock Ranch to wildlife a very unlikely event.

NO ACTION: Potential risks or adverse effects which are uncertain would not occur from the "No Action" alternative, other than those associated with the existing land use.



12. <u>CULTURAL/HISTORIC RESOURCES</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Destruction or alteration of any site structure or object of prehistoric historic, or paleontological importance?			X		yes	12(a)
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				

AFFECTED ENVIRONMENT: A file search was conducted by the State Historic Preservation Office (SHPO) for the proposed project area. Results of this search show there are currently one previously recorded historic site in within the project area. The site is a historic railroad and building site (SHPO 2000).

PROPOSED ACTION: 12(a) According to SHPO (2000), there is a possibility that unknown or unrecorded cultural properties may be present in the area of the proposed expansion. SHPO recommends a reconnaissance survey be conducted prior to project initiation to determine if sites exist and if they would be impacted by the Proposed Action.

NO ACTION: No impacts to cultural resources are expected from the No Action Alternative unless other disturbances occur within the property.

CUMULATIVE EFFECTS: No additional impacts from past, present and reasonably foreseeable activities near the proposed expansion are anticipated.

REQUIRED STIPULATIONS: None.

RECOMMENDED MITIGATION MEASURES: If archeological artifacts are observed during construction of the facility fence or from other activities, work should stop in the area and the discovery reported to:

Montana Historical Society; Historic Preservation Office  
1410 8th Avenue; P.O. Box 201202; Helena, Montana 59620  
Phone (406) 444-7715

If work stoppage in the area containing observed artifacts is not possible, record the location and position of each object, take photographs and preserve the artifact(s).

REFERENCES:

Montana State Historic Preservation Office (SHPO), 2000. Letter from Philip Melton (SHPO, Helena, MT) to Daphne Digrindakis (Maxim Technologies, Inc.), dated March 20, 2000.

**NO ACTION:** Under the No Action alternative, FWP would still have to inspect and monitor this facility. The current status of tax payments for this property would remain.

**CUMULATIVE EFFECTS:** Some cumulative impacts are expected on public services and taxes from the proposed facility project under normal operations. Region 1 has more alternative livestock facilities than any other region within Montana; currently there are 34 active facilities. In recent years, FWP has contracted with Maxim Technologies, Inc., in the preparation of the Environmental Assessments. Depending on size and complexity, the cost paid by FWP to Maxim has varied from \$5,000 - \$8,000. All costs incurred by FWP in the licensing, regulation, and management of alternative livestock facilities is funded by money derived from the sale of hunting and fishing licenses as well as by application and renewal fees generated by the Alternative Livestock Program.

**COMMENTS:** No stipulations or mitigation measures are required or recommended.

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X	No	No	11(a)
b. Alteration of the aesthetic character of a community or neighborhood?			X	No	No	11(b)
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report)		X				

**AFFECTED ENVIRONMENT:** The proposed facility is located within view of U.S. Highway 93. An alternative livestock operation currently exists on the property. Grazing and agriculture are current and historic uses of the area.

**PROPOSED ACTION:** 11 (a, b). The visual character of the area may change as a result of the 8-10 foot high fence that would be constructed adjacent to the existing facility. This impact would be most directed at persons residing within the immediate area. This impact is expected to be minor. Alternatively, persons residing in the area may enjoy seeing and hearing additional elk at the facility.

**NO ACTION:** No adverse impacts to aesthetics or recreation are expected under the "No Action" alternative.

**COMMENTS:** No stipulations or mitigation measures are required or recommended.

**PROPOSED ACTION:** 9 (f). Some local residents may feel that the expansion of the existing operation will decrease their quality of life. Neighbors harboring negative feelings about the proposed operation would perceive a loss in their sense of social well being.

**NO ACTION:** Although there would be no expansion of the existing alternative livestock facility with the "No Action" alternative, some social impacts may have already occurred through the permitting process. The possibility of approving this expansion may have fractionalized some segments of the local community based on their support or opposition to alternative livestock facilities. Denial of this expansion would be welcomed by those opposed to it and, as a result, they may feel that the quality of their lives was preserved. Anger and frustration, however, may be harbored by people who favor facilities such as this if the permit is denied. This may increase the social distance between individuals or groups who oppose the facility vs. those who favor it. Lawsuits could result from either side of the issue, expending both time and money.

**CUMULATIVE EFFECTS:** No cumulative impacts are anticipated on communities from the proposed expansion of the facility.

**COMMENTS:** No stipulations or mitigation measures are required or recommended.

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u>  Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:			X		No	10(a)
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased used of any energy source?		X				

**AFFECTED ENVIRONMENT:** The applicant currently pays taxes for the land and the elk included in the existing alternative livestock operation. Additional taxes would be paid as additional elk were added to the ranch with the proposed expansion.

**PROPOSED ACTION:** 10 (a). Approval of the expansion could increase the time and expense spent by FWP and DoL personnel inspecting, monitoring, and responding to potential problems or complaints. Since neither FWP nor DoL has the option of hiring additional employees to handle the increased workload that will be created by this operation, activities of the current wildlife, enforcement, and support staff would need to be redirected from other important duties to meet the increased demand created by this proposed expansion.

Placement of additional elk in the expansion area would increase the applicant's annual tax contribution to the county by several hundred dollars, depending on the number of elk at the facility, their sex, and age.

NO ACTION: Risk/health hazards would not occur from the No Action Alternative, other than those that may be associated with the existing land use.

CUMULATIVE EFFECTS: No cumulative impacts with respect to human health and risk are expected as a result of the Proposed Action.

REQUIRED STIPULATIONS: See Section 5 (*Fish/Wildlife*).

RECOMMENDED MITIGATION MEASURES: The mitigation measures recommended in Section 5 (*Fish/Wildlife*) are applicable to this section. In addition, risk of disease epidemic or heavy parasite infections among domestic elk or deer can be minimized by maintaining a reasonable domestic elk and deer stocking rate in relation to the enclosure size, periodic removal of manure from concentration areas, and development of a disease immunization and parasite treatment protocol as applicable to domestic elk and deer.

REFERENCES:

Nielson, K. and J.R. Duncan, 1990. Animal Brucellosis. CRC Press, Ann Arbor, Michigan.

Meyer, R.M., 1997. Tuberculosis Program Training. U.S. Department of Agriculture, Veterinary Services, Englewood, Colorado.

9. <u>COMMUNITY IMPACT</u>  Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Changes in historic or traditional recreational use of an area?		X				
f. Changes in existing public benefits provided by affected wildlife populations and wildlife habitats (educational, cultural or historic)?			X		No	9(f)
g. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				

AFFECTED ENVIRONMENT: The proposed expanded alternative livestock facility would be located approximately 3 miles south of Kalispell, Montana. It is located off White Basin Road, about ½ mile west of U.S. Highway 93. The area is surrounded by agricultural and industrial land with residents scattered lightly throughout.

All Montana alternative livestock 16 months of age or older that die, are subject to mandatory testing for CWD. Since CWD surveillance of Montana alternative livestock began in April 1999, more than 518 animals from at least 37 alternative livestock ranches have tested negative. One animal died from the disease and three others had brain lesions associated with the disease, all four animals were located at the depopulated herd. Risk of disease transmission can be mitigated through the existing CWD surveillance of Montana alternative livestock. The DoL's CWD regulations provide requirements for mandatory surveillance; establishing monitored herd status; management of herds identified as trace herds; management of herds with an animal diagnosed with CWD; and enhancement of trace back and observation capabilities.

Requirements for captive cervidae owned by or in the possession of zoos, individuals or other public facilities not licensed as an alternative livestock operation are also addressed. In addition, all alternative livestock that are imported must be from a herd that has completed a minimum of five years of surveillance for CWD, with no cases of CWD in the exporting herd or herds the exporting herd received elk from. The mandatory five years of CWD surveillance prior to importation into Montana minimizes the risk of introduction of additional cases into Montana. Definitive information regarding the causative agent, persistence, incubation period, mode of transmission, and effective measures to eliminate the disease or prevent future contaminations of CWD is lacking. Preliminary studies by Dr. Beth Williams suggest that transmission requires close contact and repeated exposures. Transmission is more likely to occur late in the course of the disease. The route of CWD transmission at this time is unknown; therefore, potential for transmission by soil, water or other media into receptor animals cannot be determined.

8(b) There is a potential for elk to carry or become infected with contagious diseases or parasites that are transmissible to other animals. Examples of disease include Bovine Tuberculosis, and Brucellosis. Domestic livestock are currently pastured in the area, and there could be an opportunity for contact between domestic livestock, domestic elk, and wildlife. Transmission of disease would be dependent upon the occurrence of diseased wild animals or diseased animals on the alternative livestock ranch and the frequency of contact between these animals and the domestic livestock. Current regulations are intended to identify and isolate captive elk herds that may include infected animals. Regulations preclude the sale of animals from these captive herds. There is no evidence to support the belief there are disease pathogens present in the wildlife in this area. There is currently no evidence of CWD transmission to domestic livestock or humans.

Potential for disease transmission to domestic livestock from alternative livestock is additionally mitigated through DoL disease testing requirements. All animals to be placed on this facility are required to be tested for tuberculosis and brucellosis at the time of import, purchase and/or transportation to the ranch. Montana is presently a tuberculosis-free and brucellosis-free state (i.e., these diseases have not been diagnosed in domestic livestock). Each alternative livestock facility is required to have access to an isolation pen (quarantine facility) on the facility or approved quarantine plan to isolate any animals that are imported or become ill. The state veterinarian can require additional testing and place herds under strict quarantine should problems arise. In addition to the standard requirements for alternative livestock ranches and the additional stipulations and suggested mitigation measures proposed in this EA, it should be noted that there are significant economic incentives for the applicant to follow best management practices. The inadvertent acquisition of diseased animals would risk a substantial investment in breeding stock and the facilities required to maintain those animals.

8(c) Fence integrity must be maintained to minimize the potential for ingress and egress. Snow drift-prone areas along the perimeter fence have the potential to affect fence integrity. Standard fencing requirements, as the applicant has agreed to do, and the requirements in The Fish/Wildlife Section 5 should be sufficient to preclude ingress and egress.

8(d) There is some risk of infection to hunters who field dress deer or elk infected with tuberculosis or brucellosis. Routine brucellosis and tuberculosis testing requirements for alternative livestock offer a measure of surveillance that minimizes that risk. Failure to comply with these requirements is grounds for license revocation. Hunters routinely kill wild mule deer and elk in areas of Wyoming and Colorado where CWD is known to occur. To date, there have been no confirmed cases of CWD transmission to humans.

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Risk of dispersal of hazardous substances (including, but not limited to chemicals, pathogens, or radiation) in the event of an accident or other forms of disruption?			X		Yes	8(a)
b. Creation of any hazard or potential hazard to domestic livestock.			X		Yes	8(b)
c. Increased risk of ingress/egress resulting in contact and/or disease between alternative livestock and wild game.			X		Yes	8(c)
d. Creation of any hazard or potential hazard to human health.			X		Yes	8(d)

AFFECTED ENVIRONMENT: See Section 5 (*Fish/Wildlife*) and Section 7 (*Land Use*) for information that describes the affected environment with respect to this section (*Risk/Health Hazards*).

PROPOSED ACTION:

8(a) There is potential for transmission of water-borne disease pathogens, if present, to be transported from the wildlife upstream into the alternative livestock facility or downstream from the facility via runoff into Patrick Creek to Ashley Creek. The DoL currently conducts disease monitoring and testing for brucellosis and tuberculosis. Brucellosis has not occurred on any alternative livestock ranch in Montana. At this time, Montana is classified as a Brucellosis Class Free State; this disease does not exist in alternative livestock or traditional livestock in Montana. Bovine Tuberculosis has occurred on six alternative livestock ranches in Montana. Transmission from those ranches to other ranches and wildlife was prevented by acceptable test protocols, depopulation and on-going surveillance.

From 1991 through 1995, 73 alternative livestock ranches were tested for tuberculosis. Wildlife populations were sampled in areas adjacent to those ranches and three cases (one mule deer and two coyotes) of tuberculosis were discovered in wild animals. At this time, Montana is classified as a Tuberculosis Accredited Free State; this disease does not exist in alternative livestock or traditional livestock in Montana. Chronic wasting disease (CWD) has been detected in alternative livestock and free-ranging deer and elk in several states or provinces. CWD has been affecting wild deer and elk in Colorado and Wyoming for at least 17 years. Through the surveillance placed on all alternative livestock operations by DoL in April 1999, one case of CWD was detected in a Montana alternative livestock facility. The CWD affected herd was depopulated.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Conflict with any existing land use that would be adversely affected by the proposed action?		X				
e. Adverse effects on or relocation of residences?		X				

AFFECTED ENVIRONMENT: Plum Creek Timber Company and relatively large blocks of private land (>20 acres) dominate the area. This general area has been primarily used for timber harvesting and cattle grazing in the past.

PROPOSED ACTION: Grazing of the area by cattle and horses would continue on the 50 acres after construction of the game-proof fence. Fence visibility may or may not be a concern for area residents. The presence of the existing alternative livestock facility greatly reduces the potential for conflicts with adjacent landowners.

NO ACTION: Under the "No Action" alternative, historic uses for the area will likely continue.

COMMENTS: No stipulations or mitigation measures are required or recommended.

PROVIDE NARRATIVE DESCRIPTION FOR THE FOLLOWING:

- 1) Wildlife use of the area and potential for through-the-fence contact with alternative livestock (consider year-round use, traditional seasonal habitat use, and location of travel routes and migration corridors).

Given the year-round use of the area by white-tailed deer and elk, the potential for nose-to-nose contact through the fence is considerable and would increase during the winter months. This risk of contact can be reduced by feeding domestic elk at interior portions of enclosures rather than along exterior fences and by closely monitoring exterior fences on a regular basis.

The frequency of fenceline contact between domestic elk and wildlife and the risk that this contact might result in disease transmission is mitigated by disease testing requirements. In order for disease transmission to occur, the organism causing the disease needs to be present. Any alternative livestock introduced to this proposed facility will be tested disease-free prior to movement to the facility.

- 2) Potential for escape of alternative livestock or ingress of wildlife (consider site-specific factors that could reduce the effectiveness of perimeter fences built to the standards outlines in Rule 12.6.1503A, including steepness of terrain, winter snow depths/drifting, susceptibility of fences to flood damage, etc.).

The majority of the proposed expansion is open pastureland, though the surrounding upland areas within the existing facility are forested. During the winter of 1996-97, snow depths in the area reached 3-4 feet, although that winter was considered by some meteorologists as a 300-year event. Typically, winter snow depths in this area are less than 16 inches. However, blowing and drifting snow could be a concern during many of western Montana's winters.

- 3) Proportion (%) of the total habitat area currently used by wildlife that will be enclosed or otherwise impacted.

Wildlife currently use many thousands of acres in the area, even during the more restricted winter months. The proportion of habitat excluded by the proposed facility constitutes far less than 1% of the area.

## B. HUMAN ENVIRONMENT

6. <u>NOISE EFFECTS</u>  Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Increases in existing noise levels?		X				
b. Exposure of people to serve or nuisance noise levels?		X				

PROPOSED ACTION: No impacts to existing noise levels are expected, except from bull elk bugling during the mating season. Given the few number of close neighbors in the vicinity, this is not expected to be a problem.

NO ACTION: No impacts to existing noise levels are expected.

COMMENTS: No mitigation measures or stipulations are recommended or required.



If fence integrity becomes a persistent problem, adjusting fence requirements to include double fencing, electrification, or increased height may become necessary.

RECOMMENDED MITIGATION MEASURES: The following management practices will help to minimize impacts to free ranging wildlife species. Implementing these mitigation measures, most of which are standard practices, is highly recommended.

- Store hay, feed, or salt away from exterior fences or enclosed in bear-resistant containers or buildings.
- Feed captive elk at interior portions of the enclosure and not along the perimeter fence. Extra caution should be taken to limit the exposure of animal feed to bears.
- Yearly or seasonally remove excess fecal material and waste feed from the alternative livestock facility (e.g. loafing areas around barns) and deposit at an approved site not likely to be used by humans or domestic or wild animals.

Regarding the issue of red deer hybridization with wild elk, the DoL and FWP have administrative rules in place requiring all elk on alternative livestock operations in Montana that are born on or prior to December 31, 1999, be tested for elk-red deer hybridization by January 1, 2000. In addition, all elk born between January 1, 2000, and December 31, 2001, shall be tested for elk-red deer hybridization by January 1 of the year following the year of birth, or when the animal is sold or transported from the alternative livestock operation, whichever comes first. Any elk-red deer hybrid that is detected must be neutered, slaughtered or sold out of state. These regulations mitigate the concern for potential hybridization because all elk purchased by the applicant would be tested prior to transport to the proposed alternative livestock ranch. Moreover, the fencing requirements and suggested mitigation measures would limit the potential for ingress and egress.

During the 1999 Montana Legislative Session, the Montana Legislature adopted a series of measures referred to as "Negotiated Rules" that related to alternative livestock issues. One of the measures included a provision that excluded the ingress of bears and mountain lions into captive facilities as grounds for revocation of a license. Should bears, lions, or other predators enter the facility, they will likely be live-captured and removed rather than destroyed.

NO ACTION: No wildlife-related impacts are expected to occur under the No Action alternative. Use of the area for grazing would continue.

CUMULATIVE EFFECTS: There are no anticipated cumulative effects on wildlife resources associated with this proposed project. However, the current 125 acre facility would increase to 175 acres.

REQUIRED STIPULATIONS: The following requirements, which have been agreed to by Mr. Spoklie, are imposed by FWP for the Grant Spoklie Expansion and are designed to ensure that the fence enclosure is maintained in game-proof condition:

- (1) Licensee shall inspect the perimeter fence on a regular basis and immediately after or during events that have a greater probability of damaging the fence (e.g., high streamflow/flooding periods; spring ice break-up) to insure fence integrity with respect to stream debris, erosional stream flows, ice jams, burrowing animals, predators, and other game animals. If it appears that fence integrity may be compromised because of high streamflow, flooding, and/or ice conditions in the Patrick Creek drainage, the licensee shall immediately remove all elk from the stream bottomland pasture(s). If repairs are required of the perimeter fence at one or both of the stream crossing sites, no elk shall be placed back into these pastures until a FWP representative inspects the fence for game-proof condition. Should ingress or egress become a problem during winter due to areas of snow accumulation, areas prone to snow drifting shall be identified and the fence height raised sufficiently to prevent ingress/egress. Additional remedial actions may be required by FWP if the measures discussed above do not adequately prevent ingress/egress, including possible installation of an interior fence to separate Patrick Creek from the remainder of the elk ranch.
- (2) The licensee shall submit a written fence monitoring plan to FWP for approval prior to issuance of the license. The fence monitoring plan shall include information on how elk would be removed from the bottom areas within 24 hours if necessary; how stream crossing sites would be monitored during the period that high flows typically can occur (March - July); and how the fence would be maintained in a game-proof condition at stream crossing sites.

These two requirements are imposed to mitigate a potential risk to fence integrity and the resulting potential for ingress/egress of domestic elk and wildlife. Without these requirements, risk to wildlife from contact with domestic elk would have the potential to be significant, due to the site being located in an area currently used by wild game, the existence of two fenced crossings of Patrick Creek. Regular fence monitoring and a written fence monitoring plan is required so that FWP has a level of confidence that fence integrity problems can be detected promptly.

5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?			X	No	No	5(a)
b. Changes in the diversity or abundance of game animals or bird species?			X			5(b)
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				

AFFECTED ENVIRONMENT: White-tailed deer and elk currently use the vicinity on a year-round basis, with use increasing during the winter months. Mule deer may also use the area for winter range, especially during severe winters. Black bears and mountain lions reside in the general area and undoubtedly frequent the project site. Gray wolves and bald eagles are Federally listed as threatened or endangered and may be transient through the area.

PROPOSED ACTION: 5 (a, b). Expansion of the alternative livestock facility would exclude wild deer and elk from using approximately 50 acres of habitat. The exclusion of wild animals from this area would slightly reduce carrying capacity, but not to a level that is measurable. Movements of individual animals may be altered, but little or no effect on the overall movement patterns and use of the range by wild deer or elk herds is expected. No effects are expected on threatened or endangered species.

There is a possibility that wild deer or elk could enter the proposed facility, especially during periods of deep snow accumulation or drifting in winter. Wild elk may be attracted to the domestic elk and may try to enter the facility, especially during the mating season. Wild deer and elk entering the proposed facility would likely be destroyed rather than released back to the wild in an effort to reduce any chance of disease transmission to wild herds.

A secondary concern regards the escape of captive elk and involves the potential for interbreeding of captive elk that have red deer genes with wild elk. Red deer are not native to North America and red deer genes still occur on some alternative livestock operations in Montana (FWP files), even though efforts are underway to eliminate their presence with testing and eventual removal. Should wild elk interbreed with captive elk that have red deer genes, there is some concern that their progeny will negatively affect wild populations. In addition to concerns regarding the interbreeding of wild elk with captive elk that have red deer genes, there are also concerns regarding interbreeding of wild elk with domestic elk whose genetic make-up has been altered through several generations of selective breeding.

4. <u>VEGETATION</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		Yes	4(a)
b. Alteration of a plant community?			X		Yes	4(b)
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?			X		Yes	4(e)

AFFECTED ENVIRONMENT: The proposed facility is primarily pastureland, comprised primarily of various non-native domestic grass species and wetland grasses and sedges. If there were year-round presence of captive elk, the natural regeneration of cattails and some vegetation would be reduced. Gradually, the area would convert to a more grass-dominated habitat. The extent of this conversion should be minimized, however, due to the proposal to use the expansion pasture on a seasonal basis. Noxious weeds such as knapweed and thistle are likely to increase above current levels due to the continuous effects of grazing, though pasture management activities and seasonal grazing strategies would minimize this. There are no known federal or state listed, threatened, or endangered plant species within the project area.

PROPOSED ACTION: 4 (a, b, e). The presence of 150 head of elk within the total 175-acres of the facility would undoubtedly affect plant species composition and abundance. Because supplemental feeding would occur, only high-quality hay or pellets are recommended to minimize the introduction of exotic weeds. An aggressive weed control program, as referred to in the proposal, should be a part of the operation.

NO ACTION: Current vegetative communities are not expected to change appreciably unless noxious weeds invade and become dominant.

CUMULATIVE EFFECTS: Because the area is currently in agriculture and grazing status, there are no anticipated cumulative effects on vegetation resources associated with the proposed project.

REQUIRED STIPULATIONS: None.

RECOMMENDED MITIGATION MEASURES:

- Monitor the proposed alternative livestock site for invasion of noxious weeds and treat affected areas in a timely manner by implementing a noxious weed control program. Solicit guidance on weed control from the Flathead County Weed Control District.
- Supplemental feed and minerals should be provided to the elk on a year-round basis to reduce excessive grazing on preferred pasture plants during dry periods of the year.

PROPOSED ACTION: 3(a, b, h). Rest rotation grazing and seasonal avoidance of wetland pastures would minimize the potential for impacts to water resources in the area. All surface water from the enclosure is drained by the small creek, which eventually empties into Ashley Creek. Fecal contamination may lead to increased nitrogen levels in surface runoff; however, it is doubtful an increase in nitrogen would be detectable in Ashley Creek as a result of low flow conditions in the creek. Given the planned stocking level (< 1 elk per acre), it is also doubtful area wells would be threatened by fecal contamination.

NO ACTION: Current hydrologic conditions are not expected to change under the No Action alternative.

CUMULATIVE EFFECTS: The general area is used for hay production and grazing. These activities likely have minor effects on water quality due to increased sedimentation and nutrient loading. Use of the land to raise elk is not expected to significantly change hydrologic conditions at the site. Therefore, the cumulative effect of using the approximately 50-acre site for the rearing of captive elk would not likely cause cumulative effects on water resources.

COMMENTS: The Montana Department of Environmental Quality (DEQ) administers and enforces water quality laws (e.g. Clean Water Act and Montana Water Quality Act) relating to pollution from point and nonpoint sources. If vegetative cover is reduced significantly, the operation could meet the definition of a "concentrated animal feeding operation" (CAFO) (ARM 17.30.1304(3)). However, a CAFO permit is not expected to be required for the proposed expansion.

REQUIRED STIPULATIONS: None.

RECOMMENDED MITIGATION MEASURES:

- Maintain a reasonable stocking rate in various pastures on the facility to avoid potential impacts from erosion, soil compaction, and fecal matter. Use rest-rotation grazing practices to allow seasonal protection of resources, especially during spring run-off conditions.
- Control surface water discharges from the proposed site, if they occur, by employing Best Management Practices (BMPs) where runoff might enter the creek. The BMPs may include seasonal grazing use of the wet areas. The booklet "Common Sense and Water Quality, a Handbook for Livestock Producers" (Montana Department of Health and Environmental Sciences, 1994) is recommended for further mitigation measures.

3. <u>WATER</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X		Yes	3(a)
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		Yes	3(b)
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?			X		Yes	3(h)
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				

**AFFECTED ENVIRONMENT:** The proposed facility is located approximately ½ mile west of U.S. Highway 93. There is one 1/10 acre man-made pond and 1300 feet of man-made creek channel, approximately 2 feet deep, within the project area. Residences in the area are scattered. Drinking water for the elk would be provided from the creek and the pond. There are no plans to irrigate within the enclosure. There is some potential that spring runoff from the proposed facility might reach Ashley Creek via the stream channel, especially during periods of extreme high water (e.g., 1997 flood).